

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6660

BILL NUMBER: SB 160

DATE PREPARED: Dec 6, 2001

BILL AMENDED:

SUBJECT: Dog Attacks.

FISCAL ANALYST: Karen Firestone

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill specifies that a dog owner may be held civilly liable if the owner's dog attacks someone, even if the attack occurs on the owner's property. It also provides that a dog owner may be criminally liable for unreasonably failing to restrain the dog, even if the dog attack occurs on the owner's property.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, a dog attack on property not belonging to the dog owner is a Class C misdemeanor if the dog owner recklessly, knowingly, or intentionally fails to restrain the dog. Under the bill, the owner could be held responsible for a dog attack on the dog owner's property if the victim was required to enter the property by State or Federal Constitution or by postal law, or if the victim believed that the victim was allowed on the property.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local

governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: